

The Clerk read as follows:

Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE:<sup>(20)</sup> The gentleman will state his point of order.

MR. DOWNEY of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

## § 75. General Debate

On most bills considered in the Committee of the Whole, a special rule reported from the Committee on Rules and adopted by the House provides for a certain number of hours of general debate, equally divided and controlled by the chairman and ranking minority member of the reporting committee.<sup>(1)</sup> If no special rule pro-

vides for the duration of general debate, the House may agree by unanimous consent to limit such debate.<sup>(2)</sup> And where the House has fixed the time for general debate, the Committee may not, even by unanimous consent, extend such time.<sup>(3)</sup>

If neither a special rule nor a unanimous-consent agreement has provided for the duration of general debate in the Committee, the debate proceeds under the hour rule, each Member being recognized for one hour, and is unlimited until the Committee or the House acts to close the debate.<sup>(4)</sup>

### Cross References

Committee of the Whole and debate generally, see Ch. 19, *supra*.

Control and distribution in general debate, see §§ 24–26, *supra*.

Effect of special orders on duration of general debate, see § 74, *supra*.

General debate on appropriation bills, see Ch. 25, *supra*.

Opening and closing debate generally, see § 7, *supra*.

Recognition generally on bills considered in the Committee of the Whole, see § 16, *supra*.

Special orders generally, see Ch. 21, *supra*.

2. See § 75.10, *infra*.

3. See § 75.7, *infra*.

4. See §§ 75.1–75.4, *infra*. For the one-hour limitation per Member, see §§ 75.5, 75.6, *infra*.

20. Leon E. Panetta (Calif.).

1. See § 74, *supra*, for the effect of special rules on the duration of debate in the Committee of the Whole.

### ***General Debate Under the Hour Rule***

#### **§ 75.1 Absent an agreement in the House limiting the time for general debate in the Committee of the Whole, debate in the Committee is under the hour rule.**

On July 28, 1969,<sup>(5)</sup> Mr. John Dowdy, of Texas, asked unanimous consent for the consideration of H.R. 9553, amending the District of Columbia Minimum Wage Act, in the House as in the Committee of the Whole. Mr. Brock Adams, of Washington, reserved the right to object and propounded a parliamentary inquiry:

If the gentleman from Washington should object to the request and we should go into the Committee of the Whole for the consideration of this bill, then what would be the time requirements? Would there be 1 hour of debate to be divided between the opposition and the proponents?

THE SPEAKER:<sup>(6)</sup> The Chair will state that if the unanimous-consent request is objected to, under the rules a motion will be in order to go into the Committee of the Whole House on the State of the Union and the gentleman from Texas would control 1 hour, unless the time is fixed by unanimous consent prior to going into the Committee of the Whole.<sup>(7)</sup>

5. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.
6. John W. McCormack (Mass.).
7. See also 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess., Mar. 24, 1947;

#### **§ 75.2 General debate in the Committee of the Whole when considering District of Columbia business is under the hour rule and is otherwise unlimited unless the House provides otherwise.**

On May 12, 1941,<sup>(8)</sup> the House resolved itself into the Committee of the Whole for the consideration of District of Columbia legislation pending on the Union Calendar. Since no time for debate had been fixed, Chairman William M. Whittington, of Mississippi, recognized five Members successively for an hour's debate each.

On July 28, 1969,<sup>(9)</sup> Speaker John W. McCormack, of Massachusetts, stated, in response to a parliamentary inquiry, that should a bill called up by the Committee on the District of Columbia, pending on the Union Calendar, be considered in the Committee of the Whole, debate in the Committee would be under the hour rule and unlimited absent an agreement in the House limiting general debate in the Committee.<sup>(10)</sup>

81 CONG. REC. 7680-97, 75th Cong. 1st Sess., July 27, 1937; and 81 CONG. REC. 5754, 75th Cong. 1st Sess., June 15, 1937.

8. 87 CONG. REC. 3917-40, 77th Cong. 1st Sess.
9. 115 CONG. REC. 20850, 20851, 91st Cong. 1st Sess.
10. See also 75 CONG. REC. 7990, 72d Cong. 1st Sess., Apr. 11, 1932.

**§ 75.3 Where the time for general debate in Committee of the Whole has not been fixed, the Chair may recognize a Member under the hour rule and then decline to recognize any other Member until that hour is exhausted.**

On July 27, 1937,<sup>(11)</sup> the Committee of the Whole was considering, under general debate, H.R. 7730, to authorize the President to appoint administrative assistants. No time had been fixed in the House for the length of general debate. Mr. John Taber, of New York, had the floor under the hour rule and Mr. Bertrand H. Snell, of New York, sought recognition, which was refused by Chairman Wright Patman, of Texas, Mr. Taber declining to yield or relinquish his time. The Chairman then answered a parliamentary inquiry:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MICHENER: Under the rules of the House, when we go into the Committee of the Whole House on the state of the Union, as we have in this instance, without fixing the time for debate, am I correct in saying that anyone recognized by the Chair is recog-

nized for an hour, and has the Chair the discretion of recognizing certain individuals and then permitting those individuals to yield their time to other individuals, to the exclusion of other Members who are seeking recognition?

THE CHAIRMAN: That has been the practice.

**§ 75.4 When the House resolves itself into the Committee of the Whole for the consideration of an appropriation bill without fixing the time for debate, the Member first recognized is entitled to an hour and may yield such portions of that time as he desires, and after that hour another Member is recognized for an hour.**

On Mar. 24, 1947,<sup>(12)</sup> Mr. Frank B. Keefe, of Wisconsin, moved that the House resolve itself into the Committee of the Whole for the consideration of H.R. 2700, an appropriation bill. He proposed a unanimous-consent agreement for time for general debate on the bill, and Mr. John J. Rooney, of New York, objected to the request.

Speaker Joseph W. Martin, Jr., of Massachusetts, then answered a parliamentary inquiry on recognition and time for debate in the Committee of the Whole, where the time and control of debate have not been fixed:

11. 81 CONG. REC. 7680-97, 75th Cong. 1st Sess.

12. 93 CONG. REC. 2464, 2465, 80th Cong. 1st Sess.

MR. KEEFE: Mr. Speaker, do I understand that on the adoption of the motion to go into the Committee of the Whole House on the State of the Union that there will be 1 hour for general debate for each side?

THE SPEAKER: Under the rule, whoever is first recognized is entitled to 1 hour and, of course, the Member can yield such portions of that time as he wishes. . . .

MR. ROONEY: Mr. Speaker, is it understood that the minority is to have an equal division of the time for debate this afternoon?

THE SPEAKER: After the first hour has been used by the majority, the minority then can have 1 hour under the rule.<sup>(13)</sup>

### ***One-hour Limitation on General Debate***

#### **§ 75.5 Although a Member may have control of time for general debate in the Committee of the Whole, he may not consume more than one hour, except by unanimous consent.**

On July 22, 1958,<sup>(14)</sup> Mr. Clarence Cannon, of Missouri, was in

13. Since appropriations bills reported by the Committee on Appropriations are privileged for consideration (see Rule XI clause 4(a), *House Rules and Manual* § 726 [1995]), they are normally considered without a special order from the Committee on Rules. See, generally, Ch. 25, *supra*.

14. 104 CONG. REC. 14647, 85th Cong. 2d Sess.

control of time for debate on an appropriations bill. Chairman James J. Delaney, of New York, advised him that he had consumed one hour. Mr. Cannon stated he wished to consume the remainder of his time, and the Chairman asked whether there was objection to Mr. Cannon proceeding for one additional minute. Mr. Donald W. Nicholson, of Massachusetts, objected to the request.

On Mar. 6, 1962,<sup>(15)</sup> Mr. J. Vaughan Gary, of Virginia, was in control of time for general debate on an appropriations bill. When Chairman W. Homer Thornberry, of Texas, advised him that he had consumed one hour of his time, he asked and was given permission to proceed for five additional minutes.<sup>(16)</sup>

#### **§ 75.6 Where debate in the Committee of the Whole was proceeding under the hour rule and the Member with the floor had yielded the balance of his time to another, the Chair declined to recognize for a unanimous-consent request that the latter Mem-**

15. 108 CONG. REC. 3484-89, 87th Cong. 2d Sess.

16. See also 115 CONG. REC. 21174-78, 91st Cong. 1st Sess., July 29, 1969; and 111 CONG. REC. 26258, 89th Cong. 1st Sess., Oct. 7, 1965.

**ber be permitted additional time.**

On Mar. 24, 1947,<sup>(17)</sup> general debate was proceeding under the hour rule in the Committee of the Whole on H.R. 2700, the Department of Labor and Federal Security Agency appropriation bill. Mr. John J. Rooney, of New York, who had the floor, yielded the balance of his time to Mrs. Mary T. Norton, of New Jersey, who asked unanimous consent for additional time. Chairman Clifford R. Hope, of Kansas, ruled that the request was not in order:

MRS. NORTON: Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

THE CHAIRMAN: The Chair regrets that the request is not in order at this time, as the time is under the control of the gentleman from New York and is restricted under the rules of the House.

MRS. NORTON: Is it not possible to get that additional time by unanimous consent? I have known it to be done in many, many other cases.

THE CHAIRMAN: That would be true under the 5-minute rule, but we are proceeding now in general debate, and under the rules of the House that is not permitted.

*Parliamentarian's Note:* No limits on debate having been set by the House, Mrs. Norton could

have consumed the remainder of Mr. Rooney's time and then sought recognition for one hour in her own right.

***Where Time Fixed by House***

**§ 75.7 Time for general debate in the Committee of the Whole having been fixed by the House, the Committee of the Whole may not, even by unanimous consent, extend it.**

On June 23, 1959,<sup>(18)</sup> Chairman Clark W. Thompson, of Texas, declined to recognize for a unanimous-consent request to extend time for debate in the Committee of the Whole, the House having fixed the time:

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Chairman, will the gentleman yield for a consent request?

MR. [HOWARD W.] SMITH of Virginia: I yield.

MR. VANIK: I ask unanimous consent that the gentleman from Virginia may be permitted to proceed for 10 additional minutes.

THE CHAIRMAN: The time has been fixed in the House. The gentleman's request is not in order.

The gentleman from Virginia will proceed.

***Effect of Special Rule***

**§ 75.8 Where the House pursuant to a special rule has di-**

17. 93 CONG. REC. 2476, 80th Cong. 1st Sess.

18. 105 CONG. REC. 11666, 86th Cong. 1st Sess.

**vided the control of general debate in the Committee of the Whole between the chairman and ranking minority member of the committee which reported the bill, it is not in order for a Member to whom time has been yielded to ask unanimous consent for additional time, although the Members in control may yield additional time.**

On Dec. 17, 1970,<sup>(19)</sup> the Committee of the Whole was conducting general debate on H.R. 19446, the Emergency School Aid Act of 1970, pursuant to House Resolution 1307, dividing control of general debate between the chairman and ranking minority member of the Committee on Education and Labor. Mr. John Conyers, Jr., of Michigan, who had been yielded time in debate, asked unanimous consent for additional time when his yielded time had expired. Chairman James C. Corman, of California, indicated that such a request was not in order:

THE CHAIRMAN: The time of the gentleman from Michigan has expired.

MR. CONYERS: Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

THE CHAIRMAN: The Chair will state to the gentleman from Michigan that

the time is under the control of the managers of the bill, the gentleman from California (Mr. Bell) and the gentleman from Kentucky (Mr. Perkins).

MR. [ALPHONZO] BELL of California: Mr. Chairman, I yield the gentleman from Michigan 2 additional minutes.

### ***Various Examples of Unanimous-consent Agreements***

**§ 75.9 The House agreed to a unanimous-consent request providing that the House resolve itself into the Committee of the Whole for the consideration of a concurrent resolution on the House Calendar and providing that there be one hour of general debate (one-half hour on each side).**

On June 22, 1965,<sup>(20)</sup> the House agreed to a unanimous-consent request for the consideration of a Senate concurrent resolution on the House Calendar:

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the reconsideration of Senate Concurrent Resolution 36 expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes, and that general

19. 116 CONG. REC. 42222, 42223, 91st Cong. 2d Sess.

20. 111 CONG. REC. 14400, 89th Cong. 1st Sess.

debate thereon be limited to 1 hour, one-half hour to be controlled by myself and one-half hour to be controlled by the gentlewoman from Ohio [Mrs. Bolton].

THE SPEAKER: <sup>(1)</sup> Is there objection to the request of the gentleman from Florida?

There was no objection.

**§ 75.10 In the consideration of the general appropriation bill of 1951, containing all the appropriations for the various agencies of the government, it was agreed in the House by unanimous consent that: (1) general debate in the Committee of the Whole be equally divided between the chairman and the ranking minority member of the Committee on Appropriations; and (2) following the reading of the first chapter of the bill for amendment, not to exceed two hours' general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.**

On Apr. 3, 1950,<sup>(2)</sup> Clarence Cannon, of Missouri, Chairman of

1. John W. McCormack (Mass.).

2. 96 CONG. REC. 4614, 4615, 81st Cong. 2d Sess.

the Committee on Appropriations, moved to resolve into Committee of the Whole for consideration of the general appropriation bill of 1951 and made the following unanimous-consent request on the control of time for debate, which was agreed to by the House:

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of the subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

*Parliamentarian's Note:* In prior years there had been 11 separate appropriation bills for the various government agencies. In 1951 they were consolidated into one bill.

### ***Time Used for Parliamentary Inquiry***

**§ 75.11 Where a Member to whom time has been yielded**

**for general debate poses a parliamentary inquiry, the time consumed to answer the inquiry is deducted from his time for debate.**

On Sept. 25, 1975,<sup>(3)</sup> the Chairman of the Committee of the Whole responded to a parliamentary inquiry, as follows:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Buchanan).

(Mr. Buchanan asked and was given permission to revise and extend his remarks.)

MR. [JOHN] BUCHANAN [of Alabama]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN:<sup>(4)</sup> The gentleman will state his parliamentary inquiry.

MR. BUCHANAN: May I ask whether the making of this parliamentary inquiry is taken out of my time?

THE CHAIRMAN: The Chair will state that it will be taken out of the gentleman's time.

### ***Relevancy of General Debate***

**§ 75.12 Where a special rule provided for the chairman of the Committee on International Relations to designate Members to equally divide and control two extra hours of general debate on**

3. 121 CONG. REC. 30196, 94th Cong. 1st Sess.

4. J. Edward Roush (Ind.).

**a bill in Committee of the Whole, the chairman of said committee informed the Chairman of the Committee of the Whole of his designation of himself, another member of the majority party and two members of the minority party to control one-half hour each; and the Chairman of the Committee of the Whole advised that such debate was not required by the rule to be confined to any particular issue, but to the bill as a whole.**

On July 31, 1978,<sup>(5)</sup> Mr. Clement J. Zablocki, of Wisconsin, the chairman of the Committee on International Relations, made a statement as to the division of control of time for debate pursuant to a special rule providing for two extra hours of debate on H.R. 12514, foreign aid authorizations for fiscal 1979. The intent behind requesting the extra hours had been to afford debate directed at the Turkish arms embargo issue, but the rule properly omitted any reference to the scope of debate, other than the requirement that all general debate be confined to the bill.

MR. ZABLOCKI: Mr. Chairman, under the rule, it is my understanding that

5. 124 CONG. REC. 23456, 23457, 95th Cong. 2d Sess.



the 1 hour for general debate on the entire bill, that that hour is equally divided between myself and the ranking minority member, the gentleman from Michigan (Mr. Broomfield).

Then the 2 hours that the rule provides for the Greek-Turkey-Cyprus issue, that there be 1 hour in support of lifting the embargo and 1 hour in opposition, and that the hour in support would be divided between myself and the gentleman from Michigan (Mr. Broomfield), and those in opposition to lifting the embargo would be managed by the gentleman from Florida (Mr. Fascell) and the gentleman from Illinois (Mr. Derwinski).

THE CHAIRMAN: <sup>(6)</sup> The Chair will respond to the gentleman from Wisconsin (Mr. Zablocki) that the Chair has been informed that the gentleman from Wisconsin has designated the gentleman from Florida (Mr. Fascell) for 1 hour, and also the gentleman from Illinois (Mr. Derwinski) for 1 hour. The rule, of course, does not confine any such debate to the embargo issue alone.

### ***Limiting Debate Under Statutory Schemes***

#### **§ 75.13 Pursuant to section 21(b) of the Federal Trade Commission Improvements Act, a motion to limit debate on a concurrent resolution disapproving an FTC regulation in Committee of the Whole is privileged and is not debatable, and is in**

6. Don Fuqua (Fla.).

#### **order pending the motion that the House resolve itself into the Committee of the Whole to consider the concurrent resolution.**

The following proceedings occurred in the House on May 26, 1982,<sup>(7)</sup> during consideration of a motion that the House resolve into the Committee of the Whole to consider Senate Concurrent Resolution 60 (disapproving Federal Trade Commission regulations regarding the sale of used motor vehicles):

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, pursuant to the provisions of section 21(b) of Public Law 96-252, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate concurrent resolution (S. Con. Res. 60) disapproving the Federal Trade Commission trade regulation rule relating to the sale regulation rule relating to the sale of used motor vehicles; and pending that motion, Mr. Speaker, I move that general debate on the Senate concurrent resolution be limited not to exceed 2 hours, 1 hour to be controlled by the gentleman from New Jersey (Mr. Florio) and 1 hour to be controlled by the gentleman from New York (Mr. Lee). . . .

THE SPEAKER: <sup>(8)</sup> The gentleman from Michigan (Mr. Dingell) made the motion that the debate be limited to 2 hours. . . .

The Chair will state that the motion to limit debate is not debatable.

7. 128 CONG. REC. 12027, 12029, 9th Cong. 2d Sess.

8. Thomas P. O'Neill, Jr. (Mass.).

MR. [TOBY] MOFFETT [of Connecticut]: I cannot yield, Mr. Speaker?

THE SPEAKER: The motion is pending. . . .

The Chair will put the question.

The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) to limit the debate to 2 hours. . . .

[The motion was agreed to.]

THE SPEAKER: The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House resolve itself into the Committee of the Whole House.

The motion was agreed to.

*Parliamentarian's Note:* A motion to resolve into Committee of the Whole for consideration of a concurrent resolution disapproving an agency action is highly privileged and may be offered before the third day on which its report thereon is available since, Rule XI, the requirement of class 2(l)(6) of that rule that committee reports be available to Members for three days is not applicable to a measure disapproving a decision by a government.<sup>(9)</sup>

## § 76. — Closing General Debate

Rule XXIII provides that general debate in the Committee of

9. See § 244, *supra*.

the Whole is “closed by order of the House.”<sup>(10)</sup> The motion in the House to close general debate is not in order until the Committee has risen after some debate has been had on the bill in the Committee of the Whole,<sup>(11)</sup> but the House may by unanimous consent close debate or fix debate in the Committee of the Whole before such debate has begun.<sup>(12)</sup>

Although it would not be in order by motion in the House to close the debate prior to the expiration of the time previously fixed by the House, a unanimous-consent agreement may so provide, either in the House or in the Committee itself.<sup>(13)</sup>

Where the managers of a bill agree between themselves to close general debate prior to the time fixed by the House, they may yield back their remaining time without obtaining unanimous consent.<sup>(14)</sup>

The motion that the Committee rise, if adopted, terminates general debate for that sitting of the Committee. The motion is non-

10. Rule XXIII clause 5(a), *House Rules and Manual* § 870 (1995). For general principles as to closing general debate, see *House Rules and Manual* § 871 (1995).

11. See §§ 76.3–76.5, *infra*.

12. See §§ 76.6, 76.8, *infra*.

13. See §§ 76.7, 76.10, *infra*.

14. See §§ 76.1, 76.2, *infra*.